

The Town of Lunenburg, through its Interim Town Manager, is seeking proposals from qualifying law firms who have at least 3 years' experience in municipal law and have had a minimum of three municipal clients, to serve as the Towns' legal counsel. Responses must be received no later than 2pm on December 1st, 2016 in the Selectmen's Office, 2nd floor 17 Main St. Lunenburg, MA 01462.

TOWN OF LUNENBURG BOARD OF SELECTMEN



Jamie Toale, Chairman
Robert Ebersole, Vice Chairman
Tom Alonzo, Clerk
Paula Bertram, Member
Phyllis Luck, Member

17 Main Street
P.O. Box 135
Lunenburg, MA 01462
Phone 978-582-4144
Fax 978-582-4175

David J. Marciello ESQ, MPA, Interim Town Manager

TOWN OF LUNENBURG REQUEST FOR PROPOSALS FOR TOWN COUNSEL SERVICES

I. Objective

The Town of Lunenburg, Massachusetts is seeking proposals from highly qualified attorneys/law firms to serve the Town as Town Counsel. The successful appointee(s) should meet or exceed the qualifications stated herein and, in general, should be readily accessible to authorized public officials, and exceptionally experienced in municipal law and litigation.

In addition, applicants for Town Counsel shall have extensive experience in land use and environmental issues. The attorneys/law firms shall be scrupulous in adhering to required standards of professional conduct and ethics, and committed to rendering sound legal advice with suitable objectivity and professional detachment. The Town reserves the right to employ one or more attorneys/law firms to meet the legal needs of the Town. Furthermore, the Town reserves the right, at its sole discretion, to waive any of the below listed qualifications if it deems, in its sole discretion, that it is in the Town's best interest to do so.

II. Minimum Qualifications

A. Bar Admissions

The appointee(s) and all those who serve as back-up to the appointee (see below) must be a member in good standing of the Massachusetts Bar and of the Federal Bar for the District of Massachusetts.

B. Experience

The appointee(s) must represent or have represented as general town counsel (or functional equivalent) a minimum of three (3) Massachusetts municipalities for no less than three (3) years each, or possess equivalent experience. References for all municipalities currently represented or represented in the past ten years by the appointee must be furnished. The appointee(s) also must have substantial experience in the areas of municipal law and finance as it pertains to municipal law, open meeting laws and elections, zoning, land-use, conservation, planning, and procurement.

C. Accessibility

The appointee(s) must commit to returning all calls or emails from authorized officials either himself/herself or through a qualified back up within 24 hours of the call, excluding weekends or holidays. The appointee(s) must also commit, as a general rule, to responding to requests for written opinions within one week unless the

circumstances of the opinion warrant a shorter or longer time frame for a response; and this is clearly circumstance is communicated at the time of such request.

D. Back-up

The appointee(s) must have within his or her firm or through an established "of counsel" relationship at least one other qualified attorney available to render advice and otherwise represent the interests of the Town of Lunenburg when the appointee(s) is (are) unavailable. In this context, "qualified attorney" shall mean another lawyer who substantially meets the minimum qualifications set forth herein for the appointee.

E. Billing

The appointee(s) must commit to providing statements for services rendered on a monthly basis. Each statement, if based on an hourly rate for services, must disclose, at a minimum, the date of the service; the identity of the lawyer or staff person performing the service, the subject matter reference for the service, a description of the service performed, the time it took to perform that function, and the hourly rate for the individual performing the function. Expense items must also be itemized.

III. Fees and Expenses

The Lunenburg Board of Selectmen strongly desires to properly manage the Town's legal expense budget; and is committed to being more efficient with the Town's approach to legal matters. Accordingly, the Board of Selectmen requires that any attorney/law firm wishing to be considered for appointment submit with its application alternative proposals to the traditional hourly rate fee arrangement with counsel. For example, responding attorneys may propose a fixed retainer for a specified scope of services with an hourly rate for work outside the established scope of services or a fixed cost for a set number of hours per month. Responding attorneys should feel free to be creative in this regard so long as the proposal is workable and reasonable. Whether or not an alternative fee arrangement is proposed by the responding attorney, the attached fees and expenses response sheet must be completely filled out.

Each applicant shall submit in writing a minimum percentage of time that each class of attorney and staff shall be dedicated to acting as Lunenburg Town Counsel. (i.e the percentage of time it is anticipated that the principal, senior associate, junior associate, etc. shall be dedicated to the Town as Lunenburg Town Counsel.) Along with the breakdown of percentages shall also be a breakdown of fees pertaining to each class of attorney and/or staff member i.e. \$__per hour/ associate, \$__per hour/ junior associate, \$__per hour/ senior associate, \$__per hour/ principal, \$__per hour/ paralegal, \$__per hour/ secretary, etc.

IV. Presentation

Each applicant shall be required to come before the appointing authority, the Board of Selectmen, and make a verbal presentation. Said presentation shall be limited to no more than 10 minutes, not including any questions posed by the Board. The presentation is not to be a rote-marketing presentation but shall be directed and pointed at how the applicant can assist the Town of Lunenburg and/or what it will look like to be appointed as the Town of Lunenburg's Town Counsel. Nonetheless each applicant shall highlight any significant accomplishments, awards and cases and similar jurisdictions to which said applicant acts as Town Counsel.

V. Selection

In seeking Town Counsel, the Board of Selectmen, who is the appointing authority, is not bound by M.G.L. C. 30B or by any other constraints apart from sound judgment. This process is being used to communicate the desired qualifications of Town Counsel and to solicit information in an orderly fashion for rough comparative purposes. Ultimately, though, the Board of Selectmen will choose the appointee(s) that are deemed to be in the best interests of the Town, in their sole discretion. The Board of Selectmen intend on appointing within forty-five (45) days following the opening of all proposals at a duly posted and scheduled Selectmen's meeting but they reserve the right to extend this period. Consequently, the Town of Lunenburg reserves the right to waive any irregularities in the Request for Proposals (RFP) process and to accept or reject any or all proposals.

VI. Application

Qualified attorneys/law firms interested in responding to this RFP should fill out the attached THREE forms completely; attach copies of all documents requested therein, and return in a single sealed envelope two separate and individually sealed envelopes inside said outside envelope:

The **Outer envelope** shall be addressed as follows:

"Town Counsel Proposal" to:

David J. Marciello, ESQ, MPA
Interim Town Manager, Chief Procurement Officer
Town of Lunenburg, Selectmen's Office
P.O. Box 135
17 Main Street
Lunenburg, MA 01462

Inside the outer envelope place 2 sealed envelopes as follows:

Sealed **Inside Envelope 1**: Forms 1 and 2 with any attached documents explaining your responses

Sealed **Inside Envelope 2**: Form 3 with any attached documents explaining your responses

All responses to this RFP must be received at the above address:

- on the second floor,
- in the Selectman's Office
- by 2: PM according to the clock on the Administrative Assistance's computer clock, December 1st, 2016

Please note that the Town has a Post Office Box and it is the responsibility of the respondents to ensure that their submission is routed to the correct department as specified in this RFQ.

ONLY delivery to the 2nd floor, Selectmen's Office, by 2PM December 1st will be considered responsive.

**TOWN OF LUNENBURG
RESPONSE TO REQUEST FOR PROPOSALS
FOR TOWN COUNSEL SERVICES**

FORM 1:

Name: _____

Firm
Name: _____

Address: _____

Telephone: _____

Fax No.: _____

Email: _____

**Please respond to each of the following; by attaching additional pages to this form.
Return this form and the additional pages with your application in Inside Sealed Envelope 1.**

- 1) Please identify by name (address and phone number if different than above) the proposed Town Counsel and each proposed back-up counsel.
- 2) Please attach resumes for each attorney as described in **III Fees and Expenses**.
- 3) Do each of the attorneys identified above meet the minimum bar admission requirements of the RFP? If other than "yes," please explain.
- 4) With respect to each attorney identified, please list each and every Massachusetts municipality represented by the attorney within the past ten years; the years of such representation, and the name, address and phone number of at least one contact person in each municipality with knowledge of the attorney's representation.
- 5) Please describe each identified attorney's experience in the areas of municipal laws, finance laws as it pertains to municipal law, elections and open meeting laws, land use, zoning, planning, environmental, procurement, and, overall, Massachusetts General Laws.
- 6) Please describe how you propose to satisfy the Accessibility requirements as indicated in Section C of the RFP?
- 7) Please describe how you propose to satisfy the Back-up requirements as specified in Section D of the RFP?
- 8) Will you meet or exceed the Billing requirements specified in Section E of the RFP?
- 9) How do you insure the delivery of cost effective client services?
- 10) How do you propose to minimize duplication and/or re-work of matters that are similar to matters previously handled?

11) What educational and/or reporting services will you provide to the Town?

12) Please provide three (3) recent relevant clients who would be prepared to provide references on your performance.

FORM 2:

Return this form and the additional pages with your application in Inside Sealed Envelope 1.

IN ORDER TO BE CONSIDERED A RESPONSIVE PROPOSER:

**YOU MUST SIGN AND SUBMIT THIS FORM AT THE TIME OF
SUMITTING YOUR POROPSAL.**

ANY DEVIATION FROM THIS WITH AUTOMATICALLY DISQUALIFY ANY PROPOSER

Certificate of Non- Collusion:

By my signature, I certify that the information contained in this Response to Request for Proposals are complete and accurate and furthermore certify under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

Signature of individual submitting bid or proposal

Name of Firm

Tax Compliance Certification:

Pursuant to M.G.L. c. 62C, §49A, I certify under the penalties of perjury that, to the best of my knowledge and belief, I am in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Signature of person submitting bid or proposal

**TOWN OF LUNENBURG
RESPONSE TO REQUEST FOR PROPOSALS
FOR TOWN COUNSEL SERVICES**

FORM 3:

Return this form and the additional pages with your application in Inside Sealed Envelope 2.

Fees and Expenses Response Sheet:

TO BE PLACED IN A SEPARATE SEALED ENVELOPE

- 1) Please list the name(s), classification (i.e. senior associate, junior associate, principal, partner, etc) and the hourly rate for each proposed attorney acting in the capacity as Lunenburg's Town Counsel and also for each attorney intended or likely to serve as back-up. Further similarly indicate the anticipate percentage of time each attorney will be acting as the Town's Counsel and/or providing counsel to the Town and/or reviewing any firm work-product.
- 2) If you propose to bill for services provided by paralegals, clerical staff, or other non-attorney personnel, please list by title, hourly rate and percentage of time anticipated of each position for whom you may bill.
- 3) Please provide a complete listing of all charges for expenses you intend to impose as incurred (i.e. any and all copy charges, telephone charges, fax charges, mileage charges and the like, but excluding any extraordinary and/or outside and/or one time fees such as for stenographers, court fees, service fees and the like.)
- 4) In what hourly increments do you intend to bill?
- 5) Do you bill out attorney time out of the office on a portal-to-portal basis or some other basis? Please describe.
- 6) Please attach additional sheet(s) fully describing and explaining your alternative fee arrangement proposal(s).

RFP EVALUATION FORM:
To be filled out by the Awarding Authority

EVALUATOR _____

_____ criterion and give a detailed reason for that rating. Please provide as much
qualitative information as possible to assist the CPO in making an award decision.

Ratings:

HA: Highly Advantageous (4pts) **SA: Somewhat Advantageous (3pts)**

NA Not Advantageous (2pts) **U: Unacceptable (-1 pt)**

A. Experience:

Rating _____ **Score** _____

Reason: _____

B. Ability to complete the scope:

Rating _____ **Score** _____

Reason: _____

C. Operational Plan:

Score _____

Reason: _____

Professional Qualifications:

Score _____

Reason: _____

E: Added Comments

Reason: _____

Total Quantitative Score: _____

Composite Rating:

Reason:

Over All Rank comparing all Proposers (1st 2nd 3rd) : _____

After assigning a rating to each comparative criterion, you must assign a composite rating to each proposal and state in writing the reason for the rating. Please provide as much qualitative information as is possible to assist the CPO in making the award decision.